

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

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| BRENT B. GOLDEN, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. CIV-09-1267-D |
| |) | |
| DISTRICT ATTORNEY, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

ORDER

This matter comes before the Court for review of three reports issued by United States Magistrate Judge Robert E. Bacharach pursuant to 28 U.S.C. § 636(b)(1)(B) and (C): Report and Recommendation of May 17, 2010 [Doc. No. 31]; Report and Recommendation of May 18, 2010 [Doc. No. 34]; and Report and Recommendation of June 8, 2010 [Doc. No. 38]. In the first report, Judge Bacharach finds that Defendants Richard Smotherman and Kathryn Savage are entitled to prosecutorial immunity and their motion to dismiss should be granted. In the second report, Judge Bacharach finds that Defendant David Gonzalez was improperly served and that service on him should be quashed. In the third report, Judge Bacharach finds that Plaintiff's failure to comply with an order to provide current financial information warrants revocation of his pauper status and that he should be ordered to pay the remaining balance of the \$350.00 filing fee.

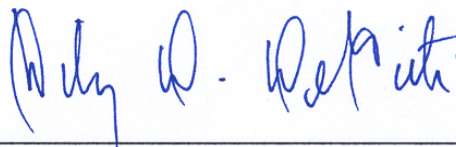
The case file reflects that Plaintiff has filed no timely written objection to any of these reports, although he was advised in each one of his right to object and the consequences of failing to object. Accordingly, the Court finds that Plaintiff has waived further review of Judge Bacharach's findings and recommendations. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996).

IT IS THEREFORE ORDERED that each Report and Recommendation issued by Judge Bacharach to date [Doc. Nos. 31, 34 and 38] is adopted and the following orders are entered:

- The Motion to Dismiss of Defendants Richard Smothermon and Kathryn Savage [Doc. No. 20] is granted;
- Service of process on Defendant David Gonzalez is quashed; and
- Plaintiff's pauper status, or permission to proceed without prepayment of the filing fee for this action, is revoked.

IT IS FURTHER ORDERED that Plaintiff shall pay in full the remaining balance of the filing fee, or \$344.83, to the Clerk of Court within 21 days from the date of this Order. Failure to make the required payment, to seek an extension of time to pay, or to show cause in writing for nonpayment, within 21 days of this Order will result in the dismissal of this action without prejudice to refiling.

IT IS SO ORDERED this 1st day of July, 2010.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE